

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11, 14-35 and 37 are pending. Claims 1, 6, 16, 22 and 31-35 are independent. and are hereby amended. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

**II. ELECTION/RESTRICTION REQUIREMENTS**

Claim 36 is withdrawn from consideration without prejudice or surrender of subject matter as directed to a non-elected invention.

**III. OBJECTION TO THE DRAWINGS**

As discussed below, the specification as originally filed on April 19, 1999 provides support for the elements in the drawings. The published application has errors, discussed below. In particular, the element “Do” noted in the Office Action does not appear in the originally filed specification.

Applicant respectfully requests withdrawal of the objection to the drawings.

#### IV. REJECTIONS UNDER 35 U.S.C. 112

A. Claims 1-11, 14-35, and 37 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

The Office Action alleged claims 1, 6, 16, 22, and 31, 35 lacked support in the specification for the feature, “each of said commercial information of the commercial information sponsor of the program is displayed.” (emphasis in Office Action).

Applicant respectfully traverses this rejection.

Claims 1, 6, 16, 22, and 31-35 have been amended to clarify the element and recite, *inter alia*:

“ . . . each of said commercial information provided by a commercial information sponsor of the program displayed at each program column . . . ”

Support for this feature is found throughout the specification as originally filed. An excerpt from the originally filed specification is reproduced here for convenience:

“Further, the embodiment described above has dealt with the case where the CM provided by a CM sponsor who contracts in advertisement with a program displayed at each guide column constituting the program guide area A<sub>1</sub> is selectively displayed in the CM display area A<sub>3</sub> on the EPG screen M1 . . . ” (emphasis added). Publ. App. par. [0137].

And also:

“In the CM display area A<sub>3</sub>, the image of a program displayed at each guide column constituting the program guide area A<sub>1</sub> and CM provided from a CM sponsor who contracts in advertisement are selectively displayed.” (emphasis added). Publ. App. par. [0107].

Further support is provided in the originally filed application (*e.g.*, Publ. App. pars. [0125] and [0128]) as contended in Applicant's April 11, 2008 reply to the Office Action mailed January 18, 2008.

Applicant respectfully requests withdrawal of this 112 rejection of claims 1-11, 14-35, and 37.

**B.** The claims (presumably 1-11 and 14-30) were rejected under 35 U.S.C. §112, first paragraph, as allegedly being indefinite because the specification allegedly fails to teach the limitation:

"selectively picking program content data from a plurality of program content regions and combining the selectively picked program content data from said plurality of program content regions with transmitted screen layout data and previously stored standard screen layout data to create said program guide screen."

Applicant respectfully traverses this rejection.

The published application has errors and does not comport with the specification as originally filed. In particular, Published Application pars. [0090] and [0104] are in error.

Published App. par. [0090] erroneously referred to "D<sub>ML</sub>". That is, D<sub>ML</sub> followed by a comma. The originally filed specification discloses, D<sub>ML</sub>'. That is, D<sub>ML</sub> *prime*. *See*, specification page 23, line 17, filed April 19, 1999, which discloses:

"In this case, as the screen layout data referred by the C data D<sub>C</sub>, a standard screen layout data D<sub>ML</sub>', previously stored in a memory of the multimedia processor 46 may be referred in addition to the transmitted screen layout data D<sub>ML</sub> (FIG. 3)."

Published App. par. [0104] erroneously refers to element "Do." The corresponding paragraph of the originally filed specification discloses, D<sub>ML</sub>. *See*, specification page 27, line 11, filed April 19, 1999, which discloses:

“Next, the system controller 44 creates the C data  $D_C$  based on the B data  $D_B$  and the screen layout data  $D_{ML}$  at step SP6, and creates bit map data of the EPG screen. The created bit map data is stored in the DRAM 37A at step SP7 and displayed by the MPEG video decoder 37. After that, the system controller 44 proceeds to step SP8 to terminate the display processing procedure RT1.”

A copy of the pages from the originally filed specification are attached hereto for convenience. The originally filed specification is also available on PAIR.

The originally filed specification provides support for the claim 1 limitation recited above. In particular,  $D_{ML}$  is the transmitted screen layout data and  $D_{ML}^3$  is the standard screen layout data previously stored in memory. The selectively picked program content data is combined with both the transmitted screen layout data ( $D_{ML}$ ) and the previously stored screen layout data ( $D_{ML}^3$ ). Publ. App. FIG. 3 and pars. [0042], [0072]-[0074], [0089]-[0090].

Applicant respectfully requests withdrawal of this 112 rejection of the claims.

## V. II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-11, 14-35 and 37 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,002,394 to Schein et al. (herein after, “Schein”).

Applicant respectfully traverses this rejection.

Claim 1 is representative and recites, *inter alia*:

“. . . processing a plurality of commercial information . . .

. . .

wherein, when a cursor is moved onto a program of a program column of the program guide screen, each of said commercial information provided by a commercial information sponsor of the program displayed at each program column is displayed successively, shifted temporally from one another.” (emphasis added)

Applicant submits that Schein does not teach or suggest the above-identified features of claim 1 for at least two reasons.

- First, the commercial information provided by the commercial information sponsor is “displayed successively on the display, shifted temporally from one another . . .” as recited in claim 1. That is, a plurality of commercial data are automatically transmitted in response to the location of the cursor and each of the commercial data are successively displayed shifted in time from one another. For example, a number of commercials are played one after the other.

Thus in the present application, the plurality of commercial information is successively displayed. That is, the commercials are displayed one after another displaced temporally from one another. This distinguishes from Schein wherein commercial data is displayed in a list or at the same time.

Thus, a plurality of commercial data can be displayed successively for a single program. Similarly, a plurality of commercial data for a single program can be displayed successively with being shifted temporally in the commercial data display area the displayed program guide. Pars. [0137], [0138] and FIG. 7A-7C.

The Applicant emphasizes that the appropriate definition of “successively” as found in the specification at par. [0138] has a temporal component; “the plurality of commercial information for a single program can be successively displayed with being shifted temporally.” Par. [0138]. That is, successively displayed one after another in time. Pars. [0137], [0138]..

The Office Action at page 7, points to Schein FIG. 20C, for the above-recited element of claim 1, stating, “is displayed successively, shifted temporally from one another (see Figure 20C

for displaying commercial information on the same screen and in different regions from one another." (emphasis added). Schein may disclose different regions on the same screen displaying commercial information. However, there is no suggestion the commercial information are successively displayed one after another in time. That is, there is no suggestion of the temporal component. The commercial information of Schein is not shifted temporally from one another and recited in claim 1.

For at least this first reason, Applicant respectfully submits claim 1 is patentable over the Schein reference.

Applicant believes independent claims 1, 6, 16, 22 and 32-35 are allowable for substantially the same reason.

- Second, Applicant submits that there is no teaching or suggestion that, when the cursor is moved onto a program column "each of said commercial information provided by a commercial information sponsor of the program [is] displayed."

In the present application, FIG. 1 illustrates a program broadcasting system as a whole. In a broadcasting station, various television programs are produced and various commercials (CM) are produced based on the commercial information provided from each CM sponsor in accordance with an advertisement contract with a plurality of CM sponsors. Further, in the broadcasting station, the commercial information provided from a plurality of sponsors is superimposed on a program guide in addition to usual television programs. Publ. App. par. [0029].

Thus, in the CM display area A<sub>3</sub>, the image of a program displayed at each guide column constituting the program guide area A<sub>1</sub> and CM provided from a CM sponsor who contracts in advertisement are selectively displayed. Publ. App. par. [0107].

The Office Action, at page 6, points to Schein, FIGS. 20A and 20B and col. 22, lines 3-18 for the element, “each of said commercial information of the sponsor of the program” (language in Office Action). However, as amended, the claim language recites, “each of said commercial information provided by a commercial information sponsor of the program [is] displayed.” Therefore, the present claim language no longer reads on the Schein reference.

For at least this second reason, Applicant respectfully submits claim 1 is patentable over the Schein reference.

Applicant believes independent claims 1, 6, 16, 22 and 32-35 are allowable for substantially the same reason.

## **VI. II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 37 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Schein in view of U.S. Patent No. 6,052,554 to Hendricks et al. (herein after, “Hendricks”).

Claim 37 depends from claim 34 and is believed allowable for at least the same reasons as discussed above with respect to claim 1. Hendricks does not add the elements missing form Schein.

## VII. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

## CONCLUSION

Claims 1-11, 14-35 and 37 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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